



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Montana State Office
5001 Southgate Drive
Billings, Montana 59101-4669
www.blm.gov/montana-dakotas

In Reply Refer To:

3100 (MT922.AG)

March 6, 2018

CERTIFIED-RETURN RECEIPT REQUESTED
7012 1640 0000 3799 6324

Ms. Elizabeth Mitchell
113 South 9th Street
Livingston, MT 59047

DECISION

PROTEST DISMISSED

I. INTRODUCTION

On December 14, 2017, a Lease Sale Notice for the Montana State Office (MSO), March 13, 2018, Competitive Oil and Gas Lease Sale was posted, which initiated a 30-day protest period. At the same time, the Butte Field Office (BFO) Oil and Gas Leasing Environmental Assessment (EA), updated after a 30-day public comment period, were made available to the public.

In a letter to the Bureau of Land Management (BLM) dated January 11, 2018 (Enclosure 1), Elizabeth Mitchell (Protester) submitted a timely protest to the inclusion of two parcels (five polygons) located in the BFO planning area, Montana. The two protested lease parcels are MTM 108952-FT and MTM 108952-FU.

II. BACKGROUND

Public scoping for this lease sale was conducted from August 15-29, 2017. This scoping period was announced in a press release issued by the Montana State Office. The BFO also posted National Environmental Policy Act (NEPA) notification log, reference number DOI-BLM-MT-L002-2017-0003-EA. In addition, the MSO mailed surface owner notification letters explaining the oil and gas leasing and planning processes. The letters requested written comments regarding any issues or concerns that should be addressed in the EA being prepared for the parcel. The Protester did not submit comments at that time.

On September 30, 2017, the BLM Montana/Dakotas released the BFO Oil and Gas Leasing EA for a 30-day public comment period. The EAs analyzed the potential effects from offering nine (9) nominated lease parcels in Park County, Montana, containing 4,307 acres of Federal Mineral Estate in the March 13, 2018, Competitive Oil and Gas Lease Sale. Relevant public comments received during this process were addressed in the EA, as appropriate. The Protester did not submit comments at that time. The EA was updated and posted, along with the competitive sale list, on December 14, 2017, on the BLM's ePlanning website for a 30-day protest period.

After a review of potential environmental impacts presented in the EA and the public comments, the Butte Field Manager recommended that six (6) parcels be included in the March 13, 2018, lease sale. As a result of the Decision Record, a total of six (6) nominated lease parcels (2,652 acres of Federal minerals) in the BFO planning area would be offered for lease at the MSO, March 13, 2018, Competitive Oil and Gas Sale with lease stipulations and/or lease notices as necessary for the proper protection and conservation of the resources associated with the lease issuances.

III. PROTEST SUMMARY

Protest Summary: The Protester submitted a timely protest (via letter) dated January 11, 2018, to the inclusion of two parcels (five polygons) identified in the MSO, March 13, 2018, Notice of Competitive Oil and Gas Lease Sale. The Protester expressed concerns about the Greater Yellowstone Area, hydraulic fracturing, water resources, and oil spills.

BLM Response:

The BLM Montana State Director has decided to defer lease parcels MTM 108952-FT and MTM 108952-FU from the MSO, March 13, 2018, Competitive Oil and Gas Lease Sale.

IV. CONCLUSION

The BLM dismisses this protest as moot.

The BLM, in accordance with existing regulations and policies, will defer leasing actions and will not offer for lease the two protested parcels as described in the MSO, March 13, 2018, Notice of Competitive Oil and Gas Lease Sale.

Administrative Review and Appeal

This Decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR § 4 and Form 1842-1 (Enclosure 2). If an appeal is taken, the Notice of Appeal must be filed in the Montana State Office at the above address within 30 days from receipt of this Decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay of the effectiveness of this Decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay must show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for stay **must** be submitted to the IBLA and the appropriate Office of the Solicitor (see 43 CFR § 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall be evaluated based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

/s/ Donato J. Judice

Donato J. Judice
Deputy State Director
Division of Energy, Minerals, and Realty

2 Enclosures

- 1-Mitchell Protest Letter Dated January 11, 2018 (1 p)
- 2-Form 1842-1 (2 pp)